REMARKS/ARGUMENTS

Claims 1 through 20, 22 through 25, 27 through 35, and 37 are pending in this application. Claims 21, 26 and 36 have been cancelled.

The Office Action rejects claims 6 through 8, 11, 12, 14, 18, 19, 21, 32 and 34 under 35 U.S.C. §102 as being anticipated by Forsythe (U.S. Patent No. 5,363,671). This rejection is moot as to claim 21, which has been cancelled. The Office Action asserts that claims 22 through 31, 36 and 37 are objected to as being dependent upon a rejected base claim, but are allowable if rewritten in independent form. In order to advance the prosecution, applicants have amended claim 6 to include the features of cancelled claim 26, as well as the cancelled intervening claim 21. Thus, claim 6 is not anticipated by Forsythe. Claims 7, 8, 11, 12, 14, 18 and 19 depend from claim 6 and, thus, are also not anticipated, nor obvious, over the cited art described above.

In order to advance the prosecution, applicants have also amended claim 32 to include the features of cancelled claim 36. Thus, claim 32 is not anticipated by Forsythe. Claim 34 depends from claim 32 and, thus, is also not anticipated, nor obvious, over the cited art described above.

The Office Action rejects claims 13, 15 and 20 under 35 U.S.C. §103 as being obvious over Forsythe. Claims 13, 15 and 20 depend from claim 6 and, thus, are also not anticipated, nor obvious, over the cited art described above for the reasons described above.

The Office Action rejects claims 1 through 5, 9 and 10 under 35 U.S.C. §103 as being obvious over Forsythe in view of Wiesner (U.S. Patent No. 3,827,256). Claims 9 and 10 depend from claim 6 and, thus, are also not anticipated, nor obvious, over the cited art described above for the reasons described above.

Claim 1 includes the features of a support structure wherein the beverage dispenser and the evaporator are housed by the support structure, wherein the support structure is located remotely from the compressor and the condenser, and wherein the evaporator is operably connected to the water supply for the forming of ice at the evaporator. The Office Action concedes that Forsythe fails to disclose the feature of a support structure, but asserts that it would have been obvious to modify the system in Forsythe to add a support structure for the purpose of providing a compact arrangement. Applicants respectfully disagree with the Office Action's assertion of obviousness, as well as the assertion of the existence of this motivation to modify the Forsythe system.

Forsythe discloses a "modular" system for performing various cooling operations. As pointed out by the Office Action, the Forsythe beverage dispensing system of Figure 8 is adapted for the addition of "optional" modules, including an ice-making module 93. The object of the Forsythe system is to provide modules that "are readily connectable and disconnectable with respect to one another for convenient installation." (Forsythe col. 1, lines 55-57). As pointed out by Forsythe, the system is intended not to be limited to a specific structural design, but rather is modular and able to have any number of the "optional" modules added:

> FIG. 8 illustrates a variation of this invention in which the beverage cooling and dispensing system includes a power module 5 and two beverage cooling and dispensing modules 3 of the type previously described, and several other "optional" modules. These "optional" modules include a beer cooling and dispensing module, generally indicated at 91, an ice making module generally designated 93, a condiment chilling module generally designated 95, an ice cream making module generally indicated at 97, and a water chilling module indicated in its entirety by the reference numeral 99. Each of these other modules is explained in more detail below . . . It will be observed from the foregoing that any of the aforementioned modules 3, 5, 91, 93, 95, 97, 99 may be readily added to or removed from the system 1, thereby facilitating installation, maintenance and modification of the system. (Forsythe col. 5 lines 32-44 and col. 8, lines 31-35).

Forsythe further describes the use of quick-connect couplings 149 for adding the refrigerant lines of the optional ice-making module 93 to the refrigerant lines of the beverage dispensing module. To modify the Forsythe beverage dispensing system such that the beverage dispenser and the evaporator are housed by a support structure, and the evaporator is operably connected to the water supply for the forming of ice at the evaporator, would defeat the objective of the modularity of the system.

Indeed, the beverage cooling system utilized in Forsythe is a "water bath" which requires the use of a sensor to prevent the formation or build up of ice at its water bath evaporator. (Forsythe col. 4, lines 4-10). The optional, connectable ice-making module 93 utilizes a separate evaporator for forming ice. There is no motivation to provide a support structure to house these modular features together in the Forsythe system.

It is also of note that Figure 9 of Forsythe shows a "stand-alone" system that has all of its components in a single housing. This system in Forsythe fails to disclose or suggest the support structure being located remotely from the compressor and the condenser. The Forsythe embodiments of Figures 8 and 9 have different objectives and accomplish different goals. The Figure 8 embodiment in Forsythe is intended to achieve modularity and the ability to add the numerous "optional" modules, while remotely locating the "hot" components (e.g., the compressor). On the other hand, the Figure 9 embodiment in Forsythe is intended to provide a single, "stand-alone" system and therefore does not remotely locate any of its components. Thus, there is no motivation to modify either of these embodiments with the above-described features of the other.

Claims 2 through 5 depend from claim 1 and, thus, are also not anticipated, nor obvious, over the cited art described above.

The Office Action rejects claim 3 under 35 U.S.C. §103 as being obvious over Forsythe in view of Wiesner and further in view of Strohmeyer (U.S. Patent No. 5,230,448). Claim 3 depends from claim 1 and, thus, is also not anticipated, nor obvious, over the cited art described above for the reasons described above.

The Office Action rejects claims 16, 17 and 35 under 35 U.S.C. §103 as being obvious over Forsythe in view of Stensrud (U.S. Patent No. 6,637,227). Claims 16 and 17 depend from claim 6 and claim 35 depends from claim 32. For the reasons described above with respect to claims 6 and 32, claims 16, 17 and 35 are also not anticipated, nor obvious, over the cited art described above.

The Office Action rejects claim 33 under 35 U.S.C. §103 as being obvious over Forsythe in view of Sakurai (U.S. Patent No. 6,009,715). Claim 33 depends from claim 32 and, thus, is also not anticipated, nor obvious, over the cited art described above for the reasons described above.

In view of the above, applicants respectfully urge that the rejections and objection be reconsidered and withdrawn, and that this application be passed to allowance.

Sincerely,

4-28-05
Date

Paul D. Greeley
Reg. No. 31,019
Attorney for Applicants
Ohlandt, Greeley, Ruggiero
& Perle, LLP
One Landmark Square, 10th Floor
Stamford, CT 06901-2682
telephone (203) 327-4500
fax (203) 327-6401